IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1178 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ODHABHAI JIVABHAI PATEL

Versus

JASVANTSINH RAGHUVIRSINH

Appearance:

1. Misc.Civil Application No. 1178 of 2004

MR ANKUR Y OZA for Petitioner No. 1

RULE SERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/09/2004

ORAL JUDGEMENT

By filing this application under Section 24 of C.P.C., the applicant-original claimant has prayed that Motor Accident Claim Petition No.585/1991, which is

pending before the Motor Accident Claim Tribunal, Ahmedabad (Rural), be transferred to Motor Accident Claim Tribunal, Bhavnagar.

2) Even though the rule is served on the respondents, none appears on behalf of the respondents. Mr.Ankur Oza, learned advocate for the applicant vehemently submitted that the applicant is residing in Sihor taluka of Bhavnagar District. He further submitted that the applicant has also taken treatment in Bhavnagar city and even the doctor, who is required to be examined in this case, is also residing within the territorial limits of Bhavnagar. He also submitted that most of the witnesses are also residing in Bhavnagar. He submitted that, therefore, in the interest of justice, Motor Accident Claim Petition pending before the Motor Accident Claim Tribunal, Ahmedabad (Rural) be transferred to the Motor Accident Claim Tribunal, Bhavnagar.

3) Mr.Oza has further submitted that till this date, Motor Accident Claim Petition pending before the Motor Accident Claim Tribunal, Ahmedabad (Rural) is not proceeded and even the evidence is not recorded. He submitted that he is making this statement on the basis of instructions received by him from the advocate appearing in the trial Court.

4) Since nobody is appearing for the respondents, the contention raised by the applicant is required to be accepted. Considering the facts and circumstances of the case as well as considering the averments made in this application and considering the arguments of Mr.Oza, this Misc.Civil Application is allowed. Motor Accident Claim Petition No.585/1991 pending before the Motor Accident Claim Tribunal, Ahmedabad (Rural) is ordered to be transferred to the Motor Accident Claim Tribunal, Bhavnagar. After such transfer the Motor Accident Claim Tribunal, Bhavnagar shall proceed with the same in accordance with law and shall dispose of the same.

5) Accordingly, this Misc.Civil Application is allowed. Rule is made absolute. No costs.

6) Writ to be sent to the Motor Accident Claim Tribunal, Ahmedabad (Rural) for transferring case papers of Motor Accident Claim Petition No.585/1991 to the Motor Accident Claim Tribunal, Bhavanagar.

(P.B.Majmudar,J.)
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